

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BARRY KELLY, et al.,
Plaintiffs,

v.

CBS CORPORATION, et al.,
Defendants.

Case No. [11-cv-03240-VC](#)

ORDER

At the pretrial conference, the parties informed the Court that Judge Robreno has ruled that this case is governed by maritime law. Yet all parties briefed their motions in limine as if California law applied, and there was no reference to maritime law in those motions. Similarly, the parties filed proposed jury instructions based on California law. And the parties did not seem to know whether, if at all, the trial would need to proceed differently based on the application of maritime law as opposed to California law.

The Court has already ordered the parties to file, by April 24, 2015, an alternative set of jury instructions based on maritime law. In addition, by that same date, each party should file a brief answering the following questions: (i) Is it correct that maritime law should apply to this case? (ii) What are the differences, as applied to this case, between maritime law and California law? (iii) Should the application of maritime law change any of the Court's rulings on the motions in limine? The parties should note that the Court will not change any of its in limine rulings unless clearly mandated by applicable maritime law.

IT IS SO ORDERED.

Dated: April 20, 2015



VINCE CHHABRIA
United States District Judge